

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1427**

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**Introduced by Senator Pavley**

February 19, 2016

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An act to add Section 4850.4 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as amended, Pavley. Workforce development: developmentally disabled individuals.

Existing law, the Lanterman Developmental Disabilities Services Act, authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Existing law governs the habilitation services provided for adult consumers of regional centers, including work activity programs, as described, and establishes an hourly rate for supported employment services provided to consumers receiving individualized services. Existing law requires the department, contingent upon receiving federal financial participation, to conduct a 4-year demonstration project to determine whether community-based vocational development services will increase employment outcomes for consumers and reduce purchase of service costs for working age adults.

This bill would require, on or before July 1, 2017, the department to establish a Work Transition Project with a process for regional centers to allow well coordinated forms of integrated services using allowable

services under existing state and federal law and to assist in the state's efforts to reach compliance with the federal Home and Community-Based Services Waiver regulations. The bill would authorize the department to waive certain regulations through the use of modifications that maintain the purpose of the regulation while allowing flexibility to expand activities and choices in service program settings. The bill would set a maximum rate of \$40 per hour for vendors to provide needed job readiness and support services aimed at individualized transition services for consumers currently placed in work activity programs and other similar day services related to work experience and work opportunities who choose to move towards competitive integrated employment. The bill would require the department to assess the ~~decrease in~~ *change in the amount of time* that it takes a consumer under these provisions, *as compared to previous modes of service delivery*, to become job ready and to transition into ~~an integrated work~~ *a competitive integrated employment* setting and to report that information to the budget ~~committee~~ *and appropriate policy committees* of each house of the Legislature during the annual budget process.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) It is the intent of the Legislature to ensure
- 2 that individuals with developmental disabilities who are earning
- 3 income do not lose their vocational opportunities and earning
- 4 power due to changes related to the home- and community-based
- 5 services settings rule due to the implementation of the Workforce
- 6 ~~Innovation and Opportunity Act.~~ *rule.*
- 7 (b) Individuals with developmental disabilities struggle to find
- 8 gainful employment. Unemployment among the people with
- 9 developmental disabilities has been estimated at more than 80
- 10 percent.
- 11 (c) California's Employment First Policy and changes to the
- 12 federal home- and community-based services settings rule require
- 13 the state to increase opportunities for individuals with
- 14 developmental disabilities to achieve competitive integrated
- 15 employment.

1 (d) There are thousands of consumers today earning some  
2 income in existing employment programs who are complying with  
3 current rules and deserve specific attention during this transition  
4 period to ensure they have the opportunity for, and access to, more  
5 integrated work settings of their choice.

6 (e) In order to increase the self-sufficiency of adults with  
7 developmental disabilities, including increased earning capacity  
8 and reduced government benefit support, it is important that the  
9 state implement a program to provide opportunities for individuals  
10 to engage in job discovery and job readiness training to assist their  
11 transition to more competitive integrated employment and to ensure  
12 employment success.

13 (f) The Governor and the Legislature must address the growing  
14 need for new models of assessment, career training, and expanding  
15 employment opportunities and support options for adults with  
16 developmental disabilities who currently work in less integrated  
17 work activity programs and group supported employment earning  
18 less than minimum wage. If this population is left without  
19 purposefully designed pathways into more competitive integrated  
20 employment, these adults will be at higher risk of public  
21 dependency throughout the course of their lives.

22 SEC. 2. Section 4850.4 is added to the Welfare and Institutions  
23 Code, to read:

24 4850.4. (a) (1) On or before July 1, 2017, the department shall  
25 establish a Work Transition Project with a process for regional  
26 centers to allow well coordinated forms of integrated services using  
27 allowable services under existing state and federal law. The project  
28 shall assist in the state's efforts to reach compliance with the  
29 federal Home and Community-Based Services Waiver regulations  
30 by March 31, 2019.

31 (2) Well coordinated forms of integrated services approved  
32 under the project shall be eligible to receive available funding  
33 appropriated for transitioning programs toward compliance with  
34 the federal Home and Community-Based Services Waiver  
35 regulations.

36 (b) (1) The department shall allow regional centers to increase  
37 opportunities for consumers by customizing skill development and  
38 employability programs, as appropriate, by partnering with work  
39 activity programs and other similar day services related to work

1 experience and work opportunities to support those consumers  
2 who choose to move towards competitive integrated employment.

3 (2) The rate shall be no more than an equivalent of forty dollars  
4 (\$40) per hour for vendors to provide needed job readiness and  
5 support services aimed at individualized transition services for  
6 consumers currently placed in work activity programs and other  
7 similar day services related to work experience and work  
8 opportunities who choose to move towards competitive integrated  
9 employment. Hours of participation in job readiness and support  
10 services may be provided in addition to, or in lieu of, the hours of  
11 participation in existing work activity programs and other similar  
12 day services, as determined by the consumer's individual program  
13 planning team.

14 (3) If necessary to provide flexibility from program requirements  
15 that have the effect of social isolation and restricting community  
16 integration activities, the department may waive certain regulations  
17 through the use of modifications that maintain the purpose of the  
18 regulation while allowing flexibility to expand activities and  
19 choices in service program settings, including Sections 58820 and  
20 58821 of Title 17, and Sections 82079 and 82087.2 of Title 22 of,  
21 the California Code of Regulations.

22 (c) (1) The department shall allow regional centers to support  
23 career pathway development by partnering with group supported  
24 employment programs and other similar day services to support  
25 those consumers who choose to move toward competitive  
26 integrated employment.

27 (2) As determined by the consumer's individual program  
28 planning team, additional job coaching hours at the current  
29 established rate may be authorized to provide career pathway  
30 development to support those consumers who choose to move  
31 toward competitive integrated employment.

32 (d) The department shall assess the ~~decrease in~~ *change in the*  
33 *amount of time that it takes a consumer under these provisions*  
34 *provisions, as compared to previous modes of service delivery,* to  
35 become job ready and to transition into ~~an integrated work a~~  
36 *competitive integrated employment* setting. The department shall  
37 report to the budget committee and appropriate policy committees  
38 of each house of the Legislature during the annual budget process  
39 regarding the ~~use implementation, use, and oversight of these~~  
40 provisions and the ~~measurable outcomes.~~ *assessed outcomes related*

1 *to job readiness and transition into competitive integrated*  
2 *employment settings.* Any report submitted pursuant to this  
3 subdivision shall be submitted in compliance with Section 9795  
4 of the Government Code.

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